<u>REMARKS</u>

The present application has been reviewed in light of the Office Action dated May 12, 2009. Claims 1-25 are presented for examination, of which Claims 1, 9, and 22 are in independent form. Claims 1-9 and 22-25 have been amended to define aspects of Applicants' invention more clearly. Support for the changes to the claims may be found in at least paragraphs [0026] and [0070] of the specification as originally filed. Favorable reconsideration is requested.

Claims 1-8 and 22-25 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Although it is not conceded that the rejections are correct or valid, Claims 1-8 and 22-25 have been amended to clearly indicate that the claimed method is tied to specific machinery. Accordingly, it is believed that the rejections under Section 101 have been obviated, and their withdrawal is therefore respectfully requested.

The Office Action states that Claims 1, 3, 5-14, and 16-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0117302 (*Weichert*) in view of U.S. Patent Application Publication No. 2004/0151353 (*Topping*), and further in view of U.S. Patent Application Publication No. 2005/0021400 (*Postrel*); and that Claims 2, 4, 15, and 20-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Weichert* in view of *Topping* and *Postrel*, and further in view of U.S. Patent Application Publication No. 2004/0049452 (*Blagg*). For at least the reasons presented below, Applicants submit that independent Claims 1, 9, and 22, together with the remaining claims dependent therefrom, are patentably distinct from the cited references.

The aspect of the present invention set forth in Claim 1 is directed to a computer-implemented method for facilitating use of a transaction account. Notable features of

Claim 1 include "determining, based on selection criteria, one of said first and second transaction accounts to access for processing a transaction, . . . said first transaction account being selected by default if a transaction amount is within a first range of amounts, and said second transaction account being selected by default if said transaction amount is within a second range of amounts, said first range of amounts and said second range of amounts being non-overlapping." By virtue of these features, a consumer can use a multiple-account transaction card configured with transaction amount ranges such that purchases within the configured ranges take place on the appropriate transaction account. For example, the consumer may have a card associated with both a personal checking account and a credit card account.[1] The consumer can then, in this example, configure the card to allocate transactions to the personal checking account for transactions of $0.01 to $500.00, and allocate transactions to the credit card account for transactions of $500.01 to $10,000.00.

Weichert, as best understood by Applicants, relates to a method for making payments to a payee using a payment account. According to the method, information on a number of payment accounts is retrieved, and a user is presented with a list of the payment accounts from which to choose for completing a transaction. One of the payment accounts is suggested to the user based on inadequacy of an initially selected payment account (e.g., insufficient funds). The transaction is completed using the suggested account. Although *Weichert* discloses determining whether a transaction amount lies within an <u>upper limit</u> (e.g., a credit limit or an account balance) of an account (*see Weichert*, Fig. 12B and paragraph [0099]), *Weichert* is not understood to disclose or suggest determining whether the transaction amount lies within one of multiple non-overlapping <u>ranges of amounts</u> (i.e., each including a lower limit

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[1] The example(s) provided herein are intended to be illustrative and are not to be construed to limit the scope of the claims.

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and an upper limit) and allocating the transaction amount accordingly. Moreover, *Weichert* also is not understood to disclose or suggest using one of the plurality of accounts by default (i.e., if no other account was selected). Indeed, apparently in *Weichert*, a selection is always required except for the simple case where there is only one transaction account on a transaction instrument.

In summary, nothing has been found in *Weichert* that is believed to teach, suggest, or otherwise result in "determining, based on selection criteria, one of said first and second transaction accounts to access for processing a transaction, . . . said first transaction account being selected by default if a transaction amount is within a first range of amounts, and said second transaction account being selected by default if said transaction amount is within a second range of amounts, said first range of amounts and said second range of amounts being non-overlapping," as recited in Claim 1.

Topping is cited in the Office Action as disclosing the linking of biometric indicators to specific functions on a computer. *Postrel* is cited in the Office Action as disclosing selection criteria including a first transaction account being selected by default based on a type of merchant associated with a transaction. Applicants submit, however, that both *Topping* and *Postrel* fail to remedy the deficiencies of *Weichert*. That is, neither *Topping* nor *Postrel* are understood to disclose or suggest "determining, based on selection criteria, one of said first and second transaction accounts to access for processing a transaction, . . . said first transaction account being selected by default if a transaction amount is within a first range of amounts, and said second transaction account being selected by default if said transaction amount is within a second range of amounts, said first range of amounts and said second range of amounts being non-overlapping," as recited in Claim 1.

A review of the other art of record has failed to reveal anything that, in Applicants' opinion, would cure the deficiencies of *Weichert*, *Topping*, and *Postrel*, as applied against the independent claims herein. In particular, although *Blagg* is understood to disclose apportioning the amount of a transaction between multiple cards, *Blagg* is not understood to disclose or suggest "determining, based on selection criteria, <u>one of said first and second transaction accounts</u> to access for processing a transaction, . . . said first transaction account being selected by default if a transaction amount is within a first range of amounts, and said second transaction account being selected by default if said transaction amount is within a second range of amounts, said first range of amounts and said second range of amounts being non-overlapping," as recited in Claim 1. (Emphasis added.)

Accordingly, in view of the above, Applicants submit that Claim 1 is patentable over the cited references, whether considered individually or in any permissible combination. Therefore, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

Independent Claims 9 and 22 include a determination feature similar to that discussed above in connection with Claim 1, and are believed to be patentable for at least the reasons discussed above. Additionally, the other rejected claims in the present application depend from one or another of Claims 1, 9, and 22, and therefore are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, however, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and an early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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